THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.10970 of 2001

Dated: 17-11-2005

N. Raja Babu.

..... PETITIONER

AND

The Regional Transport Authority, Visakhapatnam,

and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.10970 of 2001

ORDER:

The A.P. State Road Transport Corporation (for short 'APSRTC') and its Regional Manager, Visakhapatnam, are the petitioners. Aggrieved by the order dated 16-03-2001 in A.P.No.509 of 1998 directing the second respondent herein to grant stage carriage permit to the third respondent on the town service route Narsipatnam Abids Centre to Vemulapudi, the present writ petition is filed.

The third respondent approached the second respondent for grant of pucca stage carriage permit of town service route referred to hereinabove. The second

respondent rejected the application on the ground the total length of the route being 9.1 kilometers it requires the sanction of the Transport Commissioner under Rule 258 (2) (ii) of the Andhra Pradesh Motor Vehicle Rules, 1989. Aggrieved by the same, the third respondent preferred an appeal before the first respondent. The first respondent based on the report of the Motor Vehicles Inspector and relevant records came to a conclusion that the length of the route beyond municipal limits is 7.5 kilometers and therefore, there is no provision for issuance of pucca stage carriage permit under town service.

The learned Standing Counsel for APSRTC, Sri K. Srinivasa Rao, submits that the distance of the route from Narsipatnam Abids Centre to Vemulapudi is concerned, the total length of the route is 9.1 kilometers and therefore, the sanction of the Transport Commissioner is required. However, as seen from the record placed before this Court, the third respondent applied for permit from Narsipatnam Abids Centre to Vemulapudi and the distance beyond municipal limits is only 7.5 kilometers. In any view of the matter, the question being one of fact, unless and until it is shown that a finding of fact is perverse, a Writ of Certiorari cannot be issued.

The writ petition is devoid of merits and is accordingly dismissed. No costs.

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(V.V.S.RAO, J.)

17th November 2005

ghn